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VISUAL SUPPLY COMPANY
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 VISUAL SUPPLY COMPANY, a
Delaware corporation,

15 Plaintiff,
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17 v.

18 ADAM KHIMJI, an individual, and DOES
1-20, inclusive,

19 Defendants.
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Case No. 3:24-cv-09361-WHO

**DECLARATION OF AKAASH GUPTA IN
SUPPORT OF PLAINTIFF VISUAL SUPPLY
COMPANY'S OPPOSITION TO
DEFENDANT ADAM KHIMJI'S MOTION
TO DISMISS AND/OR STAY**

Date: June 18, 2025
Time: 2:00 p.m.
Place: Courtroom 2, 17th Floor
Judge: Hon. William H. Orrick

1 I, Akaash Gupta, declare as follows:

2 1. I am over 18 years of age and make this declaration based upon personal
3 knowledge of facts set forth below except as to those matters stated on information and belief. As
4 to those matters, I am informed and believe them to be true. If called upon to testify, I could and
5 would testify under oath to the matters set forth herein.

6 2. I am Deputy General Counsel at Visual Supply Company (“VSCO”), the Plaintiff
7 in this matter. This declaration is filed in support of VSCO’s Opposition to Defendant Adam
8 Khimji’s Motion to Dismiss and/or Stay, filed contemporaneously with this declaration.

9 3. Currently, VSCO has over 300 million registered users worldwide, millions of
10 whom are located in the U.S., and many of whom are in California.

11 4. Since its founding in 2011, VSCO’s physical office building has always been
12 located in the San Francisco Bay Area, and the company has a current office lease in San
13 Francisco, California. Prior to the current San Francisco office lease, the company had moved to
14 being fully remote in 2022 due to the pandemic, although a substantial number of its employees
15 still reside in California, and the majority of its corporate executives continue to work out of the
16 San Francisco Bay Area.

17 5. All VSCO users who register an account must assent to VSCO’s Terms of Use by
18 clicking a button that states “By signing up you agree to VSCO’s Terms of Use & Privacy Policy”
19 during the account-making process.

20 6. VSCO’s computer servers are located in the U.S.

21 7. For data privacy purposes, and compliance with the relevant data privacy statutes,
22 VSCO does not retain the email addresses of deleted VSCO accounts.

23 8. On or about April 7, 2025, I directed a search of VSCO’s records for accounts
24 associated with the name “Adam Khimji” and/or the email addresses “Adam.Khimji@ISED-
25 ISDE.GC.CA”, “akhimji3@uwo.ca”, and “vscoclub@protonmail.com”, and did not turn up any
26 results related to Defendant Adam Khimji. However, due to VSCO’s deletion policy described in
27 the preceding paragraph, if Mr. Khimji had registered a VSCO account with those email addresses
28 but deleted the account before my team’s search, or if he registered an account under any other

1 email address or a fictitious name, then VSCO would not have a record of such accounts as
2 associated with Mr. Khimji.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct, and was executed on April 14, 2025, at San Francisco, California.
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7 By: Akaash Gupta
8 Akaash Gupta
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